

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:19-CV-127-FDW-DCK**

<b>JACK THOMPSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>APPLIED SERVICES AUGMENTATION</b>	)	
<b>PARTNERS, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER BEFORE THE COURT** on “Defendant’s Unopposed Motion For Extension Of Time To Respond To Plaintiff’s Complaint” (Document No. 9. This matter has been referred to the undersigned Magistrate Judge pursuant to 28U.S.C §636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and the applicable authority, the undersigned will grant the motion with modification.

This matter is governed by the “Standing Order Governing Civil Case Management Before the Honorable Judge Frank D. Whitney.” (3:07-MC-047-FDW, Document No. 2). As such the “Initial Scheduling Order,” issued in this case on March 18, 2019, provides in pertinent part:

Extensions of time to serve pleadings shall not be granted except by leave of court for good cause shown (consent of opposing counsel alone is not sufficient). **Absent extraordinary circumstances, no party shall receive more than one extension of time to serve a pleading**, with any such extension being **no more than twenty (20) days in duration**.

...

**Any motion to extend the forgoing time... shall be filed immediately upon counsel learning of the need for the same and in any event no fewer than three (3) business days in advance of the filing deadline sought to be modified.** The moving party must

show consultation with opposing counsel regarding the requested extension and must inform the Court of the views of opposing counsel on request. If a party fails to make the requisite showing, the Court will summarily deny the request for extension.

(3:07-MC-047-FDW, Document No. 2) (emphasis added).

Here, Defendant seeks an extension of more than twenty (20) days to respond to the Complaint, and filed its motion to extend time less than three (3) days in advance of the filing deadline sought to be modified. Although Defendant has not fully complied with Judge Whitney's requirements, the undersigned will allow an extension of time. Future requests in violation of Judge Whitney's Standing Order will not be allowed.

**IT IS, THEREFORE, ORDERED** that "Defendant's Unopposed Motion For Extension Of Time To Respond To Plaintiff's Complaint" (Document No. 9) is **GRANTED**. Defendant shall file an Answer, or otherwise respond to Plaintiff's Complaint, on or before **April 29, 2019**.

**SO ORDERED.**

Signed: April 8, 2019

  
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David C. Keesler  
United States Magistrate Judge  
